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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,913	01/15/2002	James Patrick Goodwin	23452-506	4962
909	7590	06/02/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			STORK, KYLE R	
P.O. BOX 10500			ART UNIT	PAPER NUMBER
MCLEAN, VA 22102			2178	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/044,913	GOODWIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kyle R Stork	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 March 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.3.05.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This final office action is in response to the amendments filed 3 March 2005.
2. Claims 1-20 are pending. Claims 1, 6, 11, and 16 are independent claims. The rejections under 35 U.S.C. 102 under Shanahan (EP 1143356) and the rejections under 35 U.S.C. 103 under the combination of Shanahan and Summerlin et al. (US 6553365, hereafter Summerlin), have been withdrawn as necessitated by the amendment.

### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 3 March is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 6, 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurwood et al. (US 6772137, filed 20 June 2001, hereafter Hurwood).

Hurwood discloses a method for using extensible markup language to normalize objects that are stored in one or more of a plurality of object repository types, the method comprising the steps of:

- Determining, from the plurality of object repository types, the one or more object repository types that store at least one object (Figure 1; column 2, line 57- column 3, line 9, 28-40, 56- column 4, line 3: Here, several repository types are disclosed, including Sybase™ OLAP, SQL, SAN, and Microsoft Access™)
- The object comprises metadata (column 6, lines 24-28)
- Identifying the at least one object stored in the one or more of the plurality of object repository types (column 3, line 41- column 16: Here, a query is submitted. The information satisfying the query is identified and processed to conform to a proper format)
- Extracting at least one portion of the at least one object, wherein the at least one portion is extracted in extensible markup language (XML) format (column 6, lines 45-51: Here, the query report presents data in the XML format)

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- Transmitting the at least one portion to a processor (Figure 2; column 5, lines 14-16)
- Processing the at least one portion (Figure 2; column 5, lines 16-34)

As per independent claim 6, the applicant discloses the limitations similar to those in claim 1. Claim 6 is similarly rejected under Hurwood.

As per independent claim 11, the applicant discloses the limitations similar to those in claim 1. Claim 11 is similarly rejected under Hurwood.

As per independent claim 16, the applicant discloses the limitations similar to those in claim 1. Claim 16 is similarly rejected under Hurwood.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4, 7-9, 11-14, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurwood and further in view of Shanahan (EP 1143356, published 10 October 2001).

As per dependent claim 2, Hurwood discloses the limitations similar to those in claim 1, and the same rejection is incorporated herein. Hurwood fails to specifically disclose the method wherein some of the metadata is preserved. However, Shanahan

discloses the method wherein some of the metadata is preserved (paragraph 0015: Here, metadata has the ability to adapt to changes. This preserves some of the metadata).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Hurwood's method with Shanahan's method, since it would have allowed a user to easily modify and store metadata.

As per dependent claim 3, Hurwood and Shanahan disclose the limitations similar to those in claim 2, and the same rejection is incorporated herein. Shanahan discloses the method wherein the metadata that is preserved includes at least one of author, title, subject, date created, date modified, list of modifiers, and link list information (paragraph 0015).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Hurwood and Shanahan's method with Shanahan's method, since it would have allowed a user to store data about a document.

As per dependent claim 4, Hurwood discloses the limitations similar to those in claim 1, and the same rejection is incorporated herein. Hurwood fails to specifically disclose mapping at least one field in the at least one object with a field designation identifier. However, Shanahan discloses the method further comprising the step of mapping at least one field in the at least one object with a field designation identifier (paragraph 0021: Here, the data is mapped to tags such as <MYNAME> and <WANT>).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Hurwood's method with Shanahan's method, since it would have allowed a user to easily add data to be stored.

As per dependent claim 7, the applicant discloses the limitations similar to those in claim 2. Claim 7 is similarly rejected under Hurwood and Shanahan.

As per dependent claim 8, the applicant discloses the limitations similar to those in claim 3. Claim 8 is similarly rejected under Hurwood and Shanahan.

As per dependent claim 9, the applicant discloses the limitations similar to those in claim 4. Claim 9 is similarly rejected under Hurwood and Shanahan.

As per dependent claim 12, the applicant discloses the limitations similar to those in claim 2. Claim 12 is similarly rejected under Hurwood and Shanahan.

As per dependent claim 13, the applicant discloses the limitations similar to those in claim 3. Claim 13 is similarly rejected under Hurwood and Shanahan.

As per dependent claim 14, the applicant discloses the limitations similar to those in claim 4. Claim 14 is similarly rejected under Hurwood and Shanahan.

As per dependent claim 17, the applicant discloses the limitations similar to those in claim 2. Claim 17 is similarly rejected under Hurwood and Shanahan.

As per dependent claim 18, the applicant discloses the limitations similar to those in claim 3. Claim 18 is similarly rejected under Hurwood and Shanahan.

As per dependent claim 19, the applicant discloses the limitations similar to those in claim 4. Claim 19 is similarly rejected under Hurwood and Shanahan.

8. Claims 5, 10, and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Hurwood in further view of Summerlin et al. (US 6553365, filed 13 June 2003, patent 22 April 2003, hereafter Summerlin).

As per dependent claim 5, Hurwood discloses the limitations similar to those in claim 1, and the same rejection is incorporated herein. Hurwood fails to specifically disclose the method wherein the processor comprises at least one of a full-text engine, a metrics engine, and a taxonomy engine. Summerlin discloses the method wherein the processor comprises at least one of a full-text engine, a metrics engine, and a taxonomy engine (Figure 6; column 12, lines 16-20: Here, the taxonomy engine searches the database).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Hurwood's method with Summerlin's method, since it would have allowed a user to search a metadata repository for information.

As per dependent claim 10, the applicant discloses the system for execution of the method of claim 5. Claim 10 is similarly rejected under Hurwood and Summerlin.

As per dependent claim 15, the applicant discloses the system for execution of the method of claim 5. Claim 15 is similarly rejected under Hurwood and Summerlin.

As per dependent claim 20, the applicant discloses the system for execution of the method of claim 5. Claim 20 is similarly rejected under Hurwood and Summerlin.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

As detailed above, the Hurwood reference has been added to address the amended claim limitations.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Savage et al. (US 6604110): Discloses automated code generation from a metadata based repository.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (7:00-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (703) 308-5465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kyle Stork  
Patent Examiner  
Art Unit 2178

**krs**



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PRIMARY EXAMINER